Calendar No. 482

98TH CONGRESS, 1st Session } SENATE { REPORT No. 98-273

INTELLIGENCE PERSONNEL AND PROBATION OFFICERS PROTECTION ACT

OCTOBER 19 (legislative day, OCTOBER 17), 1983.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 779]

The Committee on the Judiciary, to which was referred the bill (S. 779) entitled the Intelligence Personnel Protection Act having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

I. PURPOSE

The purpose of S. 779, the Intelligence Personnel and Probation Officers Protection Act, as reported by the Committee on the Judiciary, is to amend title 18 of the United States Code to provide Federal criminal penalties for violent acts directed against certain Federal intelligence officers and employees and Federal probation and pretrial services officers, which are related to the performance of their official duties. With the exception of the Director and Deputy Director of Central Intelligence,[1] current Federal law contains no offenses involving job-related attacks upon these individuals. Because of the compelling Federal interest involved and the increasing incidence of these attacks, the Committee believes that Federal statutory protection is necessary in these instances. Furthermore, State and local jurisdictions may lack the resources and special expertise needed to investigate and prosecute these crimes, which interfere with the operations of the U.S. Intelligence Community and the Federal criminal justice system.

[1] See note 2 infra.

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S523-22.

II. HISTORY OF THE LEGISLATION

The provisions of S. 779 had their inception in past intelligence authorization bills, separate legislation and various Federal Criminal Code reform measures.

A. Crimes Against Intelligence Personnel

On July 16, 1981, the Senate passed its version of the Intelligence Authorization Act for Fiscal Year 1982 (S. 1127). Section 510 of that Act contained three provisions relating to persons involved in intelligence activities. The first was essentially identical to the amendments to 18 U.S.C. 1114 contained in S. 779, except for the references to Federal probation and pretrial services officers and certain technical differences. The second created a new section 1118 in title 18 relating to violent crimes against persons given entry into the United States for permanent residence under section 7 of the Central Intelligence Agency Act of 1949. The final provision created a new section 1119 defining similar offenses against persons present in the United States "under intelligence auspices." The House version, H.R. 3454, did not include any of these provisions.

When the Conference Report on the Intelligence Authorization Act for Fiscal Year 1982 (H. Rept. No. 97–332) was adopted, those amendments to title 18 were not included. A majority of House conferees appointed for purposes of considering those provisions only insisted that they were within the jurisdiction of the House Judiciary Committee and, thus, should and would be considered in the context of separate legislation. On May 20, 1982, Senator Joseph R. Biden, Jr., ranking minority member of the Senate Judiciary Committee and a member of the Senate Select Committee on Intelligence, introduced S. 2552, on behalf of the entire Intelligence Committee and the Chairman of the Senate Judiciary Committee, Senator Strom Thurmond. That bill was identical to the provisions which had been deleted from the Intelligence Authorization Act. A companion measure, H.R. 4940, was introduced in the House by the Chairman of the House Select Committee on Intelligence, Congressman Edward P. Boland.[2]

On September 23, 1982, S. 2552 was unanimously reported to the Senate (S. Rept. No. 97–575), with a technical amendment. On October 1, 1982, it was passed by the Senate. The House did not act on separate legislation.

On September 30, 1982, the Senate passed S. 2572, the Violent Crime and Drug Enforcement Improvements Act of 1982, which was added as an amendment to H.R. 3963, the Contract Services for Drug Dependent Federal Offenders Act Amendment of 1981. On December 20, 1982, the House ultimately agreed to the Senate amendment, with an amendment, in which the Senate concurred on the following day. That amendment included as part B of title III the provisions of S. 2552

[2] During this period, the Senate had under separate consideration S. 907, a bill to amend 18 U.S.C. 351 (relating to Congressional assassination, kidnaping, and assault) to include Cabinet officers and other high government officials. That bill was amended on the floor of the Senate on May 12, 1982, to include the Director and Deputy Director of Central Intelligence. The House added nominees to be Director of Central Intelligence. (Public Law 97–285.)

relating to intelligence officers and employees only. On January 14, 1983, H.R. 3963 was "pocket vetoed" by the President because of concerns about other titles of the bill. In his Memorandum of Disapproval announcing his withholding of approval of H.R. 3963, the President observed: "I completely support some of the features of H.R. 3963, such as the Federal Intelligence Personnel Protection Act."

On March 11, 1983, Senator Biden, on behalf of himself, Senator Thurmond, Senator Goldwater, and numerous members of the Select Committee on Intelligence, introduced S. 779, which was substantively identical to part B of title II of H.R. 3963.

B. Crimes Against Federal Probation Officers

In the 96th Congress, the Committees on the Judiciary of both the Senate and House of Representatives reported legislation aimed at revising the Federal Criminal Code contained in title 18 of the United States Code. The Senate version, S. 1722, would have included "employees of the United States Probation System" within the murder, manslaughter, negligent homicide, maiming, aggravated battery, battery, menacing, terrorizing, threat communication, kidnaping, aggravated criminal restraint, and criminal restraint offenses.[3] In addition, attempts and conspiracies to commit those offenses were punishable.[4] Finally, solicitations to commit murder, maiming, aggravated battery, terrorizing, kidnaping, and aggravated criminal restraint offenses were punishable under section 1003. Virtually identical provisions were included in S. 1630, the bill reported by the Committee in the 97th Congress.

The House Judiciary Committee reported similar provisions in the 96th Congress. H.R. 6915, the Criminal Code Revision Act of 1980, included the following crimes against probation officers: murder, manslaughter, maiming, aggravated battery, battery, aggravated assault, kidnaping, aggravated criminal restraint, and criminal restraint.[5] Attempts to commit all of those offenses, except aggravated assault, were also made punishable.[6] Under section 1102, conspiracies to commit all of those offenses were included. Although the full House Judiciary Committee did not act upon criminal code legislation in the 97th Congress, the Subcommittee on Criminal Justice reported a bill (H.R. 4711) at the close of the Congress, which included identical provisions.

III. COMMITTEE ACTION

Because of the lengthy consideration that the provisions of S. 779 received in connection with the 1982 Intelligence Authorization Act, and S. 2552 and H.R. 3963 in the 97th Conngress, the Subcommittee on Criminal Law, to which the bill had been referred, discharged S. 779 for immediate full Committee consideration. On June 16, 1983, the Committee ordered the bill favorably reported by voice vote and without objection, with an amendment offered by Chairman Thurmond. That amendment included Federal probation officers and pretrial services officers within the coverage of 18 U.S.C. 1114.

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[3] Sections 1601–1603, 1611–1616, 1621–1623.
[4] Sections 1001, 1002.
[5] Sections 2301, 2302, 2311–2314, 2321–2323.
[6] *Id.*

IV. DISCUSSION

A. Intelligence Personnel

Employees and officers of the Intelligence Community (including the CIA, FBI, DIA and other agencies listed in the Section-by-Section Analysis, infra) are involved in the collection of information vital to the national security interests of the United States Government. In addition to the protection that Federal legislation would provide against the obvious risks that accompany these duties, the need for Federal law enforcement authority to investigate and prosecute such crimes is especially great because they are likely to have foreign relations or national security implications. Finally, the close working relationship between intelligence agencies and Federal investigatory and prosecutorial agencies on other matters will facilitate coordination of efforts.

The incidence of attacks against intelligence personnel further justifies the need for a Federal offense. According to the CIA,[7] during the 1960's, there were 27 violent episodes or threats directed against intelligence personnel, including recruiters on college campuses. One incident involved the bombing of a recruiter's office in Michigan. In 1975, the home of an intelligence officer was damaged by a dynamite pipe bomb. In a subsequent incident, an officer associated with the intelligence community was dynamited. In 1978, there were three incidents. Last year, an individual threatened to kill a recruiter in Illinois. Finally, between 25 and 50 telephone threats are received each year, in addition to mail threats.[8]

B. Probation and Pretrial Services Officers

In addition to the informational and supervisory functions performed by Federal probation officers under 18 U.S.C. 3653, they are authorized, at any time during a probation period, to "for cause arrest the probationer wherever found, without a warrant." Where the court issues a warrant for the arrest of a probationer for violation of probation, the warrant may be executed in any district by the United States Marshal for the districts in which the warrant was issued or the probationer found, or by the probation officer. Thus, probation officers are exposed to the same dangers encountered in these situations by U.S. Marshals, who are covered by the provisions of 18 U.S.C. 1114.

In addition to the authority provided by section 3653, under a U.S. Parole Commission Rule adopted in April 1983, probation officers are authorized to search for and seize contraband from a person under parole supervision.[9] Probation officers are authorized to carry firearms

[7] Letter from Clair E. George, Director of the Office of Legislative Liaison of the Central Intelligence Agency, to Senate Judiciary Committee Chairman Strom Thurmond (August 22, 1983), reprinted in "Agency Views," infra.

[8] These figures do not include threats and attacks directed against the Director and Deputy Director of Central Intelligence, who were covered under separate legislation enacted last year. See note 2 supra.

[9] Letter from William A. Cohan, Jr., Chief of the Division of Probation, Administrative Office of the U.S. Courts, to Senate Judiciary Committee Chairman Strom Thurmond (August 24, 1983), reprinted in "Agency Views," infra.

under regulations of the Judicial Conference [10] and are included under mandatory retirement provisions relating to Federal law enforcement officers.[11] In sum, their duties expose them to precisely the same dangers which generated the special protections afforded certain other Federal employees under 18 U.S.C. 1114.

According to information supplied by the Administrative Office of the United States Courts and the Federal Probation Officers Association, recent incidents bear out the need for Federal involvement in this area. Three Federal probation officers have been shot in the performance of their duties during the last decade. From January 1 through August 12, 1983, alone, 22 hazardous incidents were reported to the Administrative Office of the U.S. Courts by probation officers and employees, including two involving firearms.[12] Between 1977 and 1982, 355 hazardous duty incidents involving probation officers were reported, including 21 threats to life, 13 physical assaults, one abduction at knifepoint, and 9 attempted assaults. In addition, the number of confiscated firearms, knives, and other weapons suggests further potential for threats to the lives of these individuals.[13] Based on these figures, the Committee believes that a strong case has been made for the long overdue inclusion of probation officers in the coverage of 18 U.S.C. 1114 and is aware of no objection to that change.

S. 779 differs from the provisions of the Criminal Code Revision and Reform bills discussed above in that it specifically includes, in addition to probation officers, pretrial services officers. This change stems from the enactment of the Pretrial Services Act of 1982 (Public Law 97–267), which was also introduced by Senator Biden and cosponsored by Chairman Thurmond in the last Congress. Under 18 U.S.C. 3154, as amended by that Act, pretrial services officers and probation officers who perform pretrial services functions are authorized, among other things, to: (1) report to the court concerning the bailworthiness of a defendant (including, as that section mandates, information relating to any danger that he might pose to the community if released), (2) make recommendations concerning appropriate release conditions and modification of those conditions, (3) supervise persons released into their custody, (4) operate facilities for the custody or care of released persons (including addict and alcoholic treatment centers), and (5) inform the court and the U.S. Attorney of all apparent violations of pretrial release conditions, arrests, and any danger that released persons may come to pose to any other person or the community, and recommend appropriate modifications of release conditions.[14]

All of these functions expose the officer to considerable personal risk, including the risk of retaliation by defendants, their families, or their friends for the release recommendations that the officer may make. These functions are sufficiently similar to those performed by probation officers to warrant their inclusion in 18 U.S.C. 1114 as well.[15]

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[10] Report of the Proceedings of the Judicial Conference of the United States (March 6–7, 1975) at 20–21.
[11] 5 U.S.C. 8331(20); 5 U.S.C. 8335(b).
[12] Letter from William A. Cohan, Jr., supra note 9.
[13] Federal Probation Officers Association, "Position Paper in Support of H.R. (sic) 812" (1983).
[14] 18 U.S.C. 3154(1), (2), (3), (4), (5).
[15] Indeed, under the Pretrial Services Act, the vast majority of the authorized functions are currently being performed by Federal probation officers.

V. SECTION-BY-SECTION ANALYSIS

The title of the bill reported by the Committee is the Intelligence Personnel and Probation Officers Protection Act of 1983.

Section 1(a) of the bill amends 18 U.S.C. 1114 by including "attempts to kill." Under current law, an attack upon a named employee which occurs during or on account of the performance of his duties is only punishable under that section if the attack results in the death of the employee. Otherwise, it is punishable under 18 U.S.C. 111, relating to assaults against, or interference with, such an employee. The penalties authorized under section 111 are, in the Committee's judgment, insufficient to provide an adequate deterrent against attacks intended to result in death. Specifically, a maximum 3 years of imprisonment and/or a $5,000 fine are authorized, unless a "deadly or dangerous weapon" is used. In the latter instance, the maximum punishment is $10,000 and/or 10 years of imprisonment.

In the Committee's judgment, a higher penalty of 20 years of imprisonment is warranted in order to provide the requisite deterrent against attacks against Federal judges, U.S. Attorneys and Marshals, and other Federal officials, including intelligence personnel and probation officers.

Section 1(b) of the bill strikes surplus language from current section 1114. Since the requirement that the attack take place while the employee is "engaged in or on account of the performance of his official duties" is included at the end of the list of employees covered under the section, it applies to all of the listed employees preceding that requirement. As a result, the phrase "while engaged in the performance of his official duties, or on account of the performance of his official duties," which appears immediately after the reference to certain employees of the Veterans' Administration, is superfluous and is, thus, deleted.

Section 1(b), as amended by the Committee, inserts in lieu of that language: "any United States probation officer or pretrial services officer, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(f) of Executive Order 12333, December 4, 1981, or successor orders) not already covered under the terms of this section." The Committee amendment includes a technical change correcting the date of the Executive Order from December 8, 1981, to December 4, 1981.

For purposes of this Act, "United States probation officers" are those appointed by the Federal courts pursuant to 18 U.S.C. 3654. "United States pretrial services officers" are those appointed under 18 U.S.C. 3152 and 3153(a)(1), as amended by the Pretrial Services Act of 1982.

Under Section 3.4(f) of Executive Order 12333 of December 4, 1981,[16] the following are the departments or agencies of the "Intelligence Community" whose employees and officers (unless covered under existing provisions of 18 U.S.C. 1114) would currently be added under S. 779, as reported:

The Central Intelligence Agency;

(2) The National Security Agency;

[16] 3 C.F.R., 1981 Comp. 200; 50 U.S.C.A. 401 note.

(3) The Defense Intelligence Agency;

(4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) The Bureau of Intelligence and Research of the Department of State;

(6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, and the Department of Energy; and

(7) The staff elements of the Director of Central Intelligence.

Under the provisions of the Act, employees and officers of departments and agencies included in definitions of the "Intelligence Community" in successors to Executive Order 12333 would also be covered under 18 U.S.C. 1114.

Section 1(c) of the bill reported by the Committee would provide penalties for the new offense of attempted murder of an individual covered under 18 U.S.C. 1114. The maximum penalty would be a term of imprisonment of 20 years.

VI. AGENCY VIEWS

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
Washington, D.C., August 24, 1983.

Senator STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: I write in support of passage of legislation which would amend Title 18 U.S.C., section 114 to extend the protection afforded in that section to U.S. probation officers and pretrial service officers. The passage of legislation making it a Federal offense to kill or assault a U.S. probation officer has long been an issue of serious concern to the Judicial Conference and to the entire Federal judiciary. At Judicial Conference meetings dating back to September 1951, the Conference has approved or reaffirmed approval of such protective legislation. Draft bills to provide protection for probation officers have been introduced in Congress since March 1955. S. 779, as ordered reported by the Committee on the Judiciary, is entitled the "Intelligence Personnel and Probation Officers Protection Act," and would amend Title 18 U.S.C. section 1114 to include U.S. probation officers and pretrial services officers within the protective provisions of section 1114.

In performing their primary duties of preparing presentence investigation reports for the courts, supervising Federal probationers and parolees, and providing pretrial services, U.S. probation officers and pretrial services officers are subject to personal hazards. Officers are routinely required to maintain regular contact with those placed under their supervision. Contacts can occur in the probation office, in courts, in jail lock-ups, in the community, or in the residences of those under supervision. Probation officers are by statute (18 U.S.C. 3653) authorized to arrest probationers without a warrant. They are considered law enforcement officers for purposes of the Federal Tort Claims Act and are included under special retirement provisions for law enforcement officers. They are authorized to carry weapons while

in the performance of their official duties subject to Judicial Conference regulations. Also, in April 1983, the U.S. Parole Commission adopted a new rule authorizing U.S. probation officers to conduct searches and to seize contraband from persons under parole supervision. We can reasonably expect that probation officers will soon begin to exercise this authority on a systemwide basis.

That U.S. probation officers are exposed to potentially serious harm has been tragically demonstrated by the shootings of three probation officers while in the performance of their official duties—one in Memphis in May 1973, one in the District of Columbia in June 1974, and the third a fatal shooting on the steps of the Federal Courthouse in Laredo, Texas in December 1978. The Probation Division of the Administrative Office of the U.S. Courts maintains records of hazardous incidents reported by probation officers and other probation staff members. During the current calendar year through August 12, 1983, twenty-two hazardous incident reports have been received. These include 9 incidents of verbal threats and/or confrontations by a probationer or a third party; 5 correspondence threats; two incidents where probation officers seized firearms from parolees, one from the parolee's residence and one from the parolee's automobile; 1 threatening confrontation of a female probation officer by an unknown male citizen; and 5 miscellaneous incidents.

In light of these and many other hazardous incidents on record, it is clear that protection of U.S. probation and pretrial services officers under section 1114 is warranted. As chief of the Probation Division I encourage and support efforts to gain passage of such legislation.

Sincerely,

WILLIAM A. COHAN, Jr.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., May 10, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 779, a bill entitled the "Intelligence Personnel Protection Act." The Department of Justice supports the enactment of this legislation.

The bill would amend section 1114 of Title 18, United States Code, as follows: Section (a) of the bill would insert the language "or attempts to kill" after the word, "kills," in section 114, thereby making it a federal offense to attempt to kill any of the officers or employees currently listed in section 1114. Section (b) of the bill would strike out the language "while engaged in the performance of his official duties, or on account of the performance of his official duties" the first time it appears in section 1114 and would insert in lieu thereof the language, "or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section."

Section (c) of the bill would add, before the end of section 1114, the following language: "except that any such person who is found guilty

of attempted murder shall be imprisoned for not more than twenty years." This amendment is self-explanatory: it would make the attempted murder of a section 1114 official punishable by imprisonment of not more than twenty years. We support these amendments to section 1114 of title 18. Moreover, a similar provision is contained in the President's proposed Comprehensive Crime Control Act, introduced as S. 829 and H.R. 2151. See Title XIV, Part K.

It should be noted that section (b) of the bill has two purposes. The first is to eliminate from section 1114 of title 18 the extraneous language, "while engaged in the performance of his official duties, or on account of the performance of his official duties" which follows "any officer or employee of the Veterans' Administration assigned to perform investigative or law enforcement functions." The language to be deleted is extraneous because the last provision of section 1114 already specifies that the killing of a section 1114 official is a crime if it occurs when he is "engaged in or on account of the performance of his official duties."

The second purpose of section (b) is to make the murder or manslaughter of any officer or employee of the Intelligence Community a federal crime, if the officer or employee was performing his official duties when the act was committed, or if the act was committed on account of the performance of his official duties. The officers or employees who are within the scope of this amendment are all of the officers and employees of the following agencies: (1) the Central Intelligence Agency (CIA), (2) the National Security Agency, (3) the Defense Intelligence Agency, (4) offices within the Department of Defense which collect foreign intelligence through reconnaissance, (5) the Bureau of Intelligence and Research in the Department of State, (6) the intelligence elements of the Federal Bureau of Investigation, and (7) staff elements of the Office of the Director of Central Intelligence. We recognize that the nature of the duties required of intelligence personnel are unique and that the potential dangers for those who are engaged in the collection, the analysis, and the processing of intelligence information are great. Therefore, we support the blanket protection of all officers and employees of the Intelligence Community.

In summary, then, we support enactment of S. 779. The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., August 22, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your 12 August 1983 request for a report on S. 779 from the Central Intelligence Agency.

S. 779 extends the protection of the violent crimes provisions of the federal criminal code to the officers and employees of the departments and agencies of the Intelligence Community. Under S. 779, the killing or attempted killing of intelligence personnel becomes a federal crime, extending to such personnel the same protection already given by the federal criminal code to a host of other federal employees, ranging from federal judges to the employees of the Federal Home Loan Bank Board.

The federal government has a compelling interest in assuring the physical safety of officers and employees of the Intelligence Community. Except in relatively unusual circumstances, such as attacks within the special maritime and territorial jurisdiction of the United States, violent attacks on these individuals constitute crimes only under state and local laws, and those jurisdictions may lack the capabilities needed to detect and prevent, or to investigate and prosecute, attacks directed at intelligence personnel. The need for federal law enforcement authority to investigate and prosecute such crimes would be particularly acute in cases involving international implications or national security matters.

The legislation pending before the Committee arose from serious concern within the Intelligence Community over incidents of violence directed against American intelligence personnel. Both the previous Carter and the present Reagan Administrations have supported similar legislation, and in the 97th Congress the Senate has twice passed similar bills, first in 1981, as section 510 of S. 1127, the Fiscal Year 1982 Intelligence Authorization Act, and then as separate legislation, S. 2552. The Intelligence Community urges enactment of S. 779 to remedy the practical problem of violence directed at individuals whose physical safety is essential to the vital federal function of determining the capability and intentions of foreign powers.

Sadly, the need for this legislation is amply demonstrated by the history of violence directed at U.S. intelligence personnel. The problem first achieved major proportions in the latter half of the 1960s, a period of great turbulance in America. Intelligence Community personnel, particularly personnel recruiters who interview prospective employees in an overt capacity on college campuses in the same manner as recruiters for American businesses, were subjected to violence or threats of violence in twenty-seven cases. The most dangerous of these episodes involved the dynamite bombing of a recruiter's office in Michigan. Fortunately, in all these instances, the intelligence personnel involved escaped death or serious bodily harm.

The national wounds of that period in our history have largely healed, and by and large Americans have forsworn political violence as a means of affecting national policies. One would have hoped that the incidents of violence directed at intelligence personnel could be categorized as an historical aberration, a reflection of the violence of the times in the late 1960s. Unfortunately, Mr. Chairman, incidents of violence directed at intelligence personnel have continued.

In 1975, an intelligence officer, his wife, and his fourteen year old son asleep in their home in Colorado were the target of a dynamite

pipe bomb which damaged the roof of the house and shattered windows, but fortunately did not injure the individuals. At a subsequent time, an office associated with the Intelligence Community was the subject of a dynamite bombing. In 1978, a personnel recruiter was assaulted at a mid-western university. That same year an intelligence officer in a major east coast city was attacked while he was engaged in the performance of official duty. Also in that year, an individual crashed the gate of the CIA Headquarters compound in his automobile and drove to the Headquarters Building. Last year, a man entered a personnel recruiter's motel room in Illinois and threatened to kill him, apparently for his intelligence recruitment activity.

This list of violence directed at intelligence personnel includes only cases in which overt acts of violence occurred. In addition, during the past five years between 25 and 50 telephone threats of violence per year have been made to overt intelligence personnel. Mail threats are also received. From this discussion of violence aimed at intelligence personnel, I have excluded incidents of violence or treats of violence aimed at the Director or Deputy Director of Central Intelligence who are already protected by the federal criminal code.

The need for federal criminal penalties for violence directed at intelligence personnel stems not only from the need to protect the physical safety of individuals performing a unique federal function, but also from the practical needs of law enforcement in such matters. Because close working relationships exist among the departments and agencies of the Intelligence Community, which includes the Federal Bureau of Investigation, the coordination mechanisms and the basic intelligence expertise necessary to investigate violence crimes involving intelligence personnel already exist in the Federal Bureau of Investigation. In enforcing the provisions of the criminal code as amended by S. 799 to include protection for the officers and employees of the Intelligence Community, the Federal Bureau of Investigation will not be required to develop new law enforcement capabilities. I wish to emphasize that it is not the degree of frequency of homicides and attempted homicides against intelligence personnel that requires federal jurisdiction. It is, rather, the nature of the crime; namely, direct interference with a vital federal function.

In conclusion, Mr. Chairman, S. 779 provides long-overdue protection to intelligence personnel through the application of the federal criminal laws. The Central Intelligeence Agency strongly supports adoption of this legislation and urges your Committee to act favorably upon this bill.

Sincerely,

CLAIR E. GEORGE,
Director, Office of Legislative Liaison.

VII. REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b), rule XXVI of the Standing Rules of the Senate, the committee has concluded that the bill will have no regulatory impact.

VII. COST OF LEGISLATION

In accordance with paragraph 11(a), rule XXVI of the Standing Rules of the Senate, the committee offers the following report of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 12, 1983.

HON. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 779, the Intelligence Personnel and Probation Officers Protection Act, as ordered reported by the Senate Committee on the Judiciary, June 16, 1983. The bill amends section 1114 of Title 18 by extending the penalties prescribed in that section to any person found guilty of killing a United States intelligence officer, probation officer, or pretrial services officer. Penalties are also mandated under the bill for any person who attempts to kill certain federal officials.

Based on information provided by the Justice Department, the bill is not expected to significantly increase the number of people prosecuted under section 1114 of Title 18. Consequently, CBO expects that enactment of this legislation will result in no significant additional cost to the federal, state or local governments.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

NANCY M. GORDON
(For Alice M. Rivlin, Director).

IX. CHANGES IN EXISTING LAW

In compliance with paragraph 12, rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 779, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new material is printed in italic; and existing law in which no change is proposed is shown in roman).

UNITED STATES CODE

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

* * * * * * *

CHAPTER 51—HOMICIDE

Sec.
1111. Murder.
1112. Manslaughter.
1113. Attempt to commit murder or manslaughter.
1114. Protection of officers and employees of the United States.
1115. Misconduct or neglect of ship officers.

* * * * * * *

§ 114. Protection of officers and employees of the United States

Whoever kills *or attempts to kill* any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any officer or employee of the Postal Service, any officer or employee of the Secret Service or of the Drug Enforcement Administration, any officer or member of the United States Capitol Police, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, any security officer of the Department of State or the Foreign Service, or any officer or employee of the Department of Health, Education, and Welfare, the Consumer Product Safety Commission, Interstate Commerce Commission, the Department of Commerce, or of the Department of Labor or of the Department of the Interior, or of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions, or any officer or employee of the Veterans' Administration assigned to perform investigative or law enforcement functions, [while engaged in the performance of his official duties, or on account of the performance of his official duties] *or any United States probation officer or pretrial services officer, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(f) of Executive Order 1233, December 4, 1981, or successor orders) not already covered under the terms of this section* or any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration engaged in or on account of the performance of his official duties shall be punished as provided under sections 1111 and 1112 of this title, *except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.*

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